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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/752,082	12/29/2000	Eric C. Anderson	P212/1976P	4003

29141 7590 10/05/2004

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EXAMINER

COFFY, EMMANUEL

ART UNIT	PAPER NUMBER
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2157

DATE MAILED: 10/05/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/752,082

Applicant(s)

ANDERSON, ERIC C.

Examiner

Emmanuel Coffy

Art Unit

2157

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-37 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-37 is/are rejected.
- 7) ☒ Claim(s) 24 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____. |

Response to Amendment

1. This action is responsive to the amendment filed on July 28th, 2004. Claims 17, 22 and the specification were amended. Claims 1-37 are pending. They represent a Method and System for a "Meta-Application Architecture For Integrating Photo-Service Websites For Browser-Enabled Devices."

Response to Arguments

2. Applicant's arguments filed 28 July 2004 have been fully considered but they are not persuasive. In response to Applicant's arguments, 37 CFR § 1.111(c) requires applicant to "clearly point out the patentable novelty which he or she thinks the claims present in view of the state of the art disclosed by the references cited or the objections made. He or she must also show how the amendments avoid such references or objections."

The Examiner maintains the arguments presented in the First Office Action as outlined below and the rejection is therefore sustained.

Claim Rejections - 35 USC § 102

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-37 are rejected under 35 USC 102(b) as being anticipated by LeMole et al. (US 6,009,410).

a) Claims 1 and 12:

As for above claims, a method and apparatus claims respectively, the recitation pertains to a system for integrating web photo-services for a browser-enabled device. The system is composed of a server communicating with a device over a network and

associating images stored on a photo-service site with a user account. Transactions such as receiving from the device inventory of images stored on the device and providing image -related web application to the device are interactively performed

LeMole discloses such a system in Fig.1 as a server (110, 111) connected to the Internet (103) and is accessed by the user at client terminal (101) through that client terminal browser's program. See column 4, lines 5-16. A client terminal with a browser's program could be any system so equipped. As a matter of fact, small devices such as cell phones are now browser enabled and hence may perform such task as selecting a web application if so programmed.

The user is connected to an Internet service provider (IASP 102) or photo-service site with a user account receiving not just images but banner, video-clip, a composite page. See column 5, lines 3-5. These sites (IASP or photo-service site) often provide interactive games geared in combination with self-advertising the provider's services and/or products. See column 3, lines 62-65. A photo-service site with a user account is nothing other than an Internet Service Provider (ISP).

Furthermore, in accordance with the invention a Content server (108) comprising a web site (110) and an associated separate server (111) is disclosed. LeMole also teaches using "push" technology, transmitted over the Internet to client terminal for storage within a cache to be immediately ready for display to that user as soon as he or she enters the commercial mode. See column 6, lines 28-31.

LeMole's system teaches a server communicating with a device over a network, associating images stored on an ISP site, the client's terminal interactively

communicating with the server receiving image-related web application and providing a list of images associated with a client's account. Thus, LeMole is indistinguishable from the present invention. It follows that LeMole reads on the subject invention clearly anticipating it; above claims are thus rejected.

3. Novelty Not Pointed Out

First, applicant argued that LeMole fails to teach or suggest "a method for integrating web photo-services for a browser-enabled device," as recited in the preamble of claim 1. However, LeMole's system teaches a server communicating with a device over a network, associating images stored on an ISP site, the client's terminal interactively communicating with the server receiving image-related web application and providing a list of images associated with a client's account. (See col.1, lines 57-62; col. 5, 28-35; 38-46; See also col. 5, lines 3-5). Thus, LeMole is indistinguishable from the present invention. It follows that LeMole reads on the subject invention clearly anticipating it and the independent claims are thereby rejected.

Second, applicant further argued that a photo-service site is distinct and different from an IASP such as AT&T WorldNet as described by LeMole. Applicant asserts that an IASP does not meet the definition of photo-service site that enables a user to upload photos for storage and online sharing. In contradistinction, LeMole teaches a movie company (a user of the service offered by LeMole) which advertises its newest motion picture releases, or a major conglomerate such as Disney, which may advertise its theme parks, its motion pictures and TV productions, and the associated products it also sells such as videotapes. See col. 3, lines 57-62. Nothing prevents a client from

storing the image nor sharing it once stored. Furthermore, applicant discloses in one embodiment, the client devices connect to the Internet via a service provider (ISP). (See page 9, col. 9-11 of the Disclosure). Yet, applicant in the above argument pretends to distinguish a photo-service site from an ISP. Moreover, applicant describes the field of the subject invention as relating to manipulating digital images over the Internet. That is precisely what LeMole teaches; because, the storage, transfer of images over the Internet inherently involves the manipulation of said images.

Third, applicant asserts that LeMole fails to teach or suggest "receiving from the device an inventory of images stored on the device." The Examiner disagrees.

Applicant does recognize the user terminal taught by LeMole to be capable of storing images. Additionally, LeMole teaches the user providing a profile of interests when registering on-line for the first time for the service through HTTP server 110, a profile page, such as illustrated in Fig. 2 is returned to client terminal 101. See col. 4, lines 36-42. Prominently displayed in Fig. 2 is an icon for images. This suggests that client may provide images as part of the profile in contradistinction to applicant's allegation that LeMole does not even suggest that any "inventory of images" from the device is sent to the CAR server.

Applicant contrasted the cited prior art to the invention in an attempt to show the elements not taught by the prior art. However, Applicant has failed to clearly point out patentable novelty in view of the state of the art disclosed by the references cited that would overcome the 102(b) clear anticipation applied against the claims, the rejection is therefore sustained.

4. The dependent claims stand rejected as articulated in the First Office Action and all objections not addressed in Applicant's response are herein reiterated.

5. **THIS ACTION IS MADE FINAL.**

Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

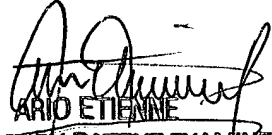
A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Emmanuel Coffy whose telephone number is (703) 305-0325. The examiner can normally be reached on 8:30 - 5:00 P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ario Etienne can be reached on (703) 308-7562. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Emmanuel Coffy
Patent Examiner
Art Unit 2157

***EC
Sept 1, 2004


ARIO ETIENNE
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100